

**Response to the Office action dated November 10, 2008  
U.S. Serial No. 10/596,858**

**Remarks**

The applicants have carefully considered the official action dated November 10, 2008. By way of the forgoing amendments, claims 1, 16, 18, 19, 25, and 27-29 have been amended. In view of the forgoing amendments and the following remarks, all pending claims are in condition for allowance. Accordingly, favorable reconsideration of all pending claims is respectfully requested.

The Office action indicates that claims 16, 18, 25, 27, and 28 would be allowable if rewritten in independent form. In keeping with this finding, claims 16, 18, 25, 27, and 28 have been amended into independent form. This change of format is not required for patentability and does not create estoppels under the doctrine of equivalents. Accordingly, claims 16, 18, 25, 27, and 28 will not be discussed further herein.

Claim 1 was rejected as anticipated by Alexander (US 6,067,126). Claim 1 recites a method comprising, *inter alia*, determining whether the audio-video signal originated from a local device or is a broadcast signal based on at least one of a video classification or an audio classification. Alexander does not teach or suggest such a recitation. While the Office action contends that determining if audio content is speech is equivalent to identifying a source of audio-video content, a point that the applicants do not concede, determining if audio content is speech does not suggest determining whether an audio-video signal originated from a local device or is a broadcast signal. Further, there would be no motivation to modify Alexander to include the recitations of claim 1 because Alexander is concerned with identifying an audio selection to be included with an audio/video signal not the originating source of media content (Abstract). Furthermore, Alexander does not suggest how the described audio analysis could be used to determine whether an audio-video signal originated with a local

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device or was a broadcast signal. Therefore, claim 1 and all claims depending therefrom are in condition for allowance.

Independent claim 19 recites an apparatus comprising, *inter alia*, a decision module to determine whether an audio-video signal originated from a local device or is a broadcast signal based on outputs of the at least two of an active video analyzer, a vertical blanking interval analyzer, a text extractor, and an audio analyzer. As explained above, Alexander does not teach or suggest determining whether an audio-video signal originated from a local device or is a broadcast signal. As such, independent claim 19 and all claims depending therefrom are in condition for allowance.

Independent claim 29 recites a machine readable medium storing instructions structured to cause a machine to, among other things, determine whether an audio-video signal originated from a local device or is a broadcast signal. For at least the forgoing reasons, Alexander does not teach or suggest determining whether the audio-video signal originated from a local device or is a broadcast signal. As such, independent claim 29 and all claims depending therefrom are in condition for allowance.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,  
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